

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

=====X  
DIOMINA ASTO,

Plaintiffs,

ECF CASE

- against -

THERESA R. BETTER and ROBERTO BETTER,

Docket No. 07 CIV 4787  
(KMK)(GAY)

Defendants.  
=====X

**STIPULATION AND ORDER OF DISMISSAL**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys for all parties to the above entitled action, as follows:

1. This action be, and hereby is dismissed, without costs to any party as against any other party;
2. That within twenty-one days of receipt of this executed stipulation, together with a general release, the defendants and/or their legal representatives shall deliver to plaintiffs' counsel the total sum of **EIGHTY THOUSAND DOLLARS (\$80,000.00)**, payable as set forth herein;
3. That the settlement check shall be made payable to Diomina Asto, and Michele Klein & Robert W. Folchetti, As Attorneys;"
4. That the settlement check shall be delivered to the office of Klein & Folchetti, 219 Westchester Avenue, 6<sup>th</sup> Floor, Port Chester, New York 10573;

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5. That this action may be reopened should the settlement not be consummated by December 28, 2007.


6. That this Court shall retain jurisdiction over this action for the purpose of enforcing the terms of this settlement.

7. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: December 7, 2007

**KLEIN & FOLCHETTI**

Attorneys for Plaintiff


By:   
ROBERT W. FOLCHETTI (RF0527)  
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**LAW OFFICES OF THOMAS K. MOORE**

Attorneys for Defendants

By:   
BRIAN J. POWERS  
701 Westchester Avenue  
White Plains, New York 10604  
Tel. (914) 285-8500

SO ORDERED on <sup>Friday</sup> December 22, 2007

  
HON. KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE